UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,362	04/06/2001	Stephen Gold	30014165 US	3922

7590	08/26/2004

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EXAMINER
PATEL, HARESH N

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _06 April 2001_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-27_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☐ Claim(s) _____ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☒ Claim(s) _1-27_ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-27 are presented for examination.

Election/Restrictions

2.   Restriction to one of the following inventions is required under 35 U.S.C. 121:

I.   Claims 1, is drawn to "a computer system having multiple entities and a slave computer entity comprising an agent component for allocating functionality provided by the slave computer entity itself", classified in class 719, subclass 317.

II.   Claims 2-8, are drawn to "an account balancing method for selecting a server computer entity for installation of a new user account to supply functionality to a client computer entity by performing test to check that the identified server computer entity is suitable for providing functionality to the client computer entity", classified in class 709, subclass 201.

III.   Claims 9-12, are drawn to "allocation of functionality provided by a plurality of grouped computer entities to a plurality of client computer entities provided with an account of the grouped computer entities by selecting the grouped computer entity on the basis of maximum available data storage space", classified in class 709, subclass 226.

IV.   Claims 13, 14, 17, are drawn to "a plurality of computer entities configured into a group for distribution of configuration settings based on the settings of application configuration settings", classified in class 709, subclass 220.

V.   Claims 15 and 16, are drawn to "configuring application programs of the same

type that are synchronized to be configured with the same set of application

program settings by converting application configuration settings to a form

which are transportable over a local area network connection", classified in

class 709, subclass 230.

VI.   Claims 18-21, are drawn to "a computer device utilizing a data storage device

for storing applications programs and a user application uses a set of API calls

for communicating the application configuration settings to the aggregation

service application", classified in class 719, subclass 328.

VII.   Claim 22, is drawn to "aggregating plurality of computer entities by

deployment of an agent component containing multiple applications including

a user application and an aggregation service application", classified in class

709, subclass 202.

VIII.   Claim 23-27, are drawn to "transfer of user accounts between a plurality of

computer entities within a group of the computer entities by monitoring a

utilization of each of a set of computer entities within the group to locate a

computer entity having a capacity utilized at above a predetermined limit",

classified in class 709, subclass 224.

3.   The inventions are distinct, each from the other because of the following reasons:

Inventions I to VIII are related as subcombinations disclosed as usable together in a

single combination. The subcombinations are distinct from each other if they are shown

to be separately usable. In the instant case, invention I has separate utility such as a

computer system having multiple entities and a slave computer entity comprising an

agent component for allocating functionality provided by the slave computer entity itself,

lacking one or more of the particulars of inventions II to VIII. Invention II has separate

utility such as an account balancing method for selecting a server computer entity for

installation of a new user account to supply functionality to a client computer entity by

performing test to check that the identified server computer entity is suitable for

providing functionality to the client computer entity, lacking one or more of the

particulars of inventions of I and III to VIII. Invention III has separate utility such as

allocation of functionality provided by a plurality of grouped computer entities to a

plurality of client computer entities provided with an account of the grouped computer

entities by selecting the grouped computer entity on the basis of maximum available data

storage space, one or more of the particulars of inventions of I, II and IV to VIII.

Invention IV has separate utility such as a plurality of computer entities configured into a

group for distribution of configuration settings based on the settings of application

configuration settings, one or more of the particulars of inventions of I, II, III and V to

VIII. Invention V has separate utility such as configuring application programs of the

same type that are synchronized to be configured with the same set of application

program settings by converting application configuration settings to a form which are

transportable over a local area network connection, one or more of the particulars of

inventions of I to IV and VI to VIII. Invention VI has separate utility such as a computer

device utilizing a data storage device for storing applications programs and a user

application uses a set of API calls for communicating the application configuration

settings to the aggregation service application, one or more of the particulars of

inventions of I to V and VII to VIII. Invention VII has separate utility such as aggregating plurality of computer entities by deployment of an agent component containing multiple applications including a user application and an aggregation service application, one or more of the particulars of inventions of I to VI and VIII. Invention VIII has separate utility such as transfer of user accounts between a plurality of computer entities within a group of the computer entities by monitoring a utilization of each of a set of computer entities within the group to locate a computer entity having a capacity utilized at above a predetermined limit, one or more of the particulars of inventions of I to VII. See MPEP 806.05(d).

4.   Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

5.   Because these inventions are distinct for the reasons given above and the extensive search required for one group is not required for the other groups, restriction for examination purposes as indicated is proper.

6.   Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

7.   A telephone call (and a facsimile) was made (sent) to Allan M. Lowe to request

an oral election to the above restriction requirement. Allan M. Lowe made no election.

8.   Applicant is advised that the reply to this requirement to be complete must

include an election of the invention to be examined even though the requirement be

traversed (37 CFR 1.143).

9.   A shortened statutory period for response to this action is set to expire 0 (zero)

months and 30 (thirty) days from the mail date of this letter. Failure to respond within the

period for response will result in ABANDONMENT of the application (see 35 U.S.C.

133, MPEP 710.02, 710.02(b)).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Haresh Patel whose telephone number is 703-605-5234.

The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from
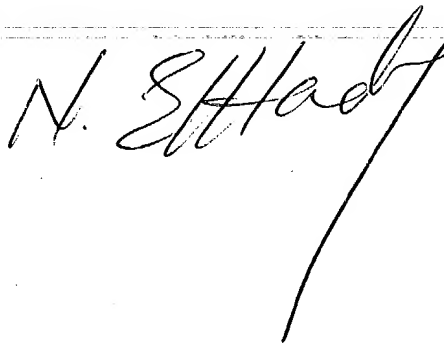
10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Follansbee can be reached on 703-305-8498. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

August 18, 2004